



U.S. Department of Justice

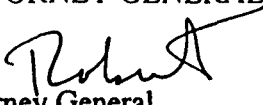
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

February 14, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Robert Raben 
Assistant Attorney General

SUBJECT: Weekly Report for February 14, 2000 - February 18, 2000

KEY ISSUES

Police Integrity: The working group on "racial profiling data collection" will meet on February 17th. Hill staff have been invited to this event. Both Deputy Attorney General Holder and you are participating in the session. (Scott-Finan)

Child Custody Protection Act: This office has learned that the full Senate plans to vote on H.R. 1218, the Child Custody Protection Act, after the Presidents' Day recess. The Act makes it a federal crime to transport a minor across state lines to obtain an abortion. It passed the House last year. Two years ago, the Senate was unable to invoke cloture on this Act and it never passed the full Senate. The Administration has a senior advisors veto recommendation on H.R. 1218. (First)

Unborn Victims of Violence: Before the end of February, the Senate Judiciary Committee (Hatch, Chair) plans to consider H.R. 2436, the Unborn Victims of Violence Act, which makes it a federal crime to kill a fetus during the commission of a crime. H.R. 2436 passed the House last year, and the Administration has previously issued a senior advisors veto recommendation on H.R. 2436. (First)

Small Business Liability: The House will consider H.R. 2366, the Small Business Liability Reform Act on the floor on February 16th. This bill would preempt State tort law as it applies to nearly every civil action involving a small business defendant, as defined as any business (regardless of net worth) with fewer than 25 employees. It would raise the standard for awarding punitive damages, cap punitive damages at a maximum of \$250,000, and preclude joint and several liability for non-economic damages. A Statement of Administration Policy has been released recommending a senior advisors veto of this legislation. (Wilson)

Senate Judiciary Committee Markup: At the Senate Judiciary Committee business meeting on February 10th, Chairman Hatch stated that he plans to have hearings on the following issues before the March recess: judicial nominees on February 22nd; and, without hearing dates – the Department of Justice budget; computer privacy and security, and the AOL-Time Warner merger. Also, Chairman Hatch said he wanted to move on executive branch and judicial nominees, the asset forfeiture

legislation, the pardon bill, sale of alcohol on the Internet, H1B visas, and pain relief legislation before the March recess. He additionally stated that he wanted the pardon bill to be a bipartisan measure. Chairman Hatch also stated that he wanted to have hearings on whether newly discovered DNA evidence is being given adequate weight in the criminal justice system. Senator Specter said that he wanted to hold the subpoena resolutions over. Finally, there was discussion of Senator Smith's subpoena resolution regarding the sale of fetal body parts. Senator Smith plans to hold a hearing to provide information about this issue and determine whether or not the Department of Justice is enforcing the law. Senator Smith said that the Department might not even be aware of the issue. The Committee did not have a quorum and met off the Senate floor after the first roll call vote at which time the Committee ordered reported the following: S. 671, to make technical changes to U.S. laws to align them with the Madrid Protocol, a treaty designed to make it easier to register for intellectual property protection in more than one country, and S. 1638, which would expand education benefits to families of slain law enforcement officers. (Scott-Finan)

THE WEEK AHEAD

Bowling Green School: On February 15th, staff from the Office of Legislative Affairs and Civil Rights Division's Deputy Assistant Attorney General Anita Hodgkiss will meet with Congressman David Vitter about the certification of Bowling Green School for receipt of state aid. (Scott-Finan)

Asbestos Compensation Legislation: The House Judiciary Committee (Hyde, Chair) is expected to mark up Asbestos Compensation legislation on February 15th or 16th. Department staff are working with Chairman Hyde and Representative Frank to contribute to this rapidly changing legislation. We have had discussions with staff working on the bill, and continue to have major concerns with the approach being taken with this bill. (Wilson)

Bankruptcy: The Conference on Bankruptcy Reform legislation will informally begin this week with staff negotiations. Conferees have not yet been named in either chamber. ~~The Office of Legislative Affairs~~ The Office of Legislative Affairs has circulated both bills for review by Department components for items to be included in a Conference letter. (Wilson)

Trafficking: On February 15th, staff from the Office of Legislative Affairs and the Civil Rights Division will attend a briefing for House members on exploitation of immigrant domestic workers brought into the country by diplomats and other international officials. (First)

Unlawful Conduct on the Internet: The Department has circulated for Agency comment "The Electronic Frontier: The Challenge of Unlawful Conduct Involving the Use of the Internet." We hope for release this week. (Owen)

Traffic Stops Statistics Act: The House Judiciary Committee's (Hyde, Chair) markup of H.R. 1443, the Traffic Stops Statistics Act, scheduled for February 9th, has been rescheduled for February 15th. In June of 1999, the Department sent a letter supporting the study as outlined in the legislation and suggested that three revisions be made to H.R. 1443: changing the time frame for the initial analysis to 180 days, deleting the requirement that we identify the agencies from which the data would be collected in the initial analysis, and adding language stating that the data collected be used solely for research and statistical purposes. We are not aware that any amendments will be offered to this bill. (Scott-Finan)

Federal Prison Health Care Copayment Act: The Subcommittee on Crime (McCollum, Chair) of the House Judiciary Committee has scheduled a markup of H.R. 1349 for February 17th. Both the Bureau of Prisons and the Marshals Service support this legislation. (Scott-Finan)

Immigration: The Immigration Subcommittee (Smith, Chair) of the House Judiciary Committee will hold a hearing this week on two bills, both scheduled for February 17th. The first is H.R. 3058, the Alien Anti-Atrocity Act, which provides that aliens who commit acts of torture abroad are inadmissible to the U.S. and it expands OSI's mandate to include aliens who have committed torture. The Department opposes the expansion of OSI's mandate because it believes these cases are more properly handled by INS and the Terrorism and Violent Crime Section of the Criminal Division. In addition, the Department believes other human rights abuses, such as war crimes, persecution and genocide should also make an alien inadmissible to the U.S. Associate Deputy Attorney General James Castello will testify for the Department on this bill.

The second bill H.R. 2883, amends the INA to confer citizenship automatically and retroactively on certain foreign born children adopted by U.S. Citizens. The Department supports streamlining the naturalization for adopted children, but opposes granting them citizenship that is retroactive to their birth. We have sent up alternative legislation. INS will testify regarding this bill. (First)

Sale of Fetal Tissue: The Office of Legislative Affairs anticipates that the Senate Judiciary Committee, at the request of Senator Smith, will hold hearings on the sale of fetal tissue at the end of February. We are working with Office of Policy Development and the Criminal Division on this issue. (First)

International Postal Regulations Hearing: On March 9th, the Postal Subcommittee of the House Government Reform Committee (McHugh, Chair) plans to hold a hearing on international postal regulations. On February 9th, staff from the Office of Legislative Affairs and the Antitrust Division met with majority staff of the Subcommittee to discuss the possibility of including a Department witness at the hearing. We expressed our concern about being put at odds with other agencies, and the Subcommittee staff expressed their desire not to intentionally cause interagency conflict. We continue our discussions with Hill staff on this issue. (Owen)

THE WEEK IN REVIEW

Cyberspace Electronic Security Act, CESA: Staff from the Office of Legislative Affairs and the FBI met with staff of Senator Schumer and the House Subcommittee on Crime on February 11th to brief them on this legislation. (Daley)

Nominations: The following nominations were sent to the Senate on February 9th: Robert Cindrich, to be a United States Circuit Judge for the Third Circuit; Kent Markus, to be a United States Circuit Judge for the Sixth Circuit; Phyllis Hamilton, to be a United States District Judge for the Northern District of California; John Antoon, to be a United States District Judge for the Middle District of Florida; and Audrey G. Flessig, to be United States Attorney for the Eastern District of Missouri. Additionally, on February 9th, the White House announced its intention to nominate Donnie Marshall, to be Administrator of DEA.

On February 10th, the Senate agreed, by a vote of 79-19, to a motion to proceed to the nomination of Thomas Amaro, to be a United States Circuit Judge for the Third Circuit. The

nomination of Thomas Ambro was subsequently confirmed by a vote of 96-2, with Senators Inhofe and Smith (N.H.) voting against the nomination. The nomination of Joel Pisano, to be a United States District Judge for the District of New Jersey, was then confirmed by a vote of 95-2. (Scott-Finan)

FY 2001 Budget Briefings: Staff from the Office of Legislative Affairs and the Budget Office of the Justice Management Division accompanied Controller Therese McAuliffe, to the budget briefings for the House and Senate Judiciary full Committee staffs on February 10th and 11th, respectively. (Daley)

Visa Waiver Pilot Program: On February 10th, Associate Deputy Attorney General Elisa Liang, Acting Inspector General Robert Ashbaugh, and Mike Cronin of the Immigration and Naturalization Service appeared before the Subcommittee on Immigration and Claims of the House Judiciary Committee (Smith, Chair) to discuss the Visa Waiver Pilot Program (VWPP). Under the VWPP, the Attorney General and the Secretary of State are authorized to permit nationals of a foreign country to visit the United States visa-free for 90 days or less, if the country in question meets certain objective criteria and the Attorney General determines that participation by that country in the VWPP will not adversely affect the Nation's law enforcement interests. The VWPP is scheduled to expire on April 30, 2000. Chairman Smith indicated he would not support a permanent reauthorization of the program. (First/Jones)

Secret Evidence Repeal Act - H.R. 2121: On February 10th, FBI General Counsel Larry Parkinson testified on behalf of the Department in opposition to H.R. 2121 before the House Judiciary Committee's Subcommittee on Immigration and Claims (Smith, Chair). Among other things, this bill would repeal Title V of the Immigration and Nationality Act ("alien terrorist removal procedures") and would prohibit the use of classified information in immigration proceedings. The Bureau's statement indicated that such a prohibition would be highly detrimental to the national security of the United States. INS General Counsel Bo Cooper accompanied Mr. Parkinson to answer immigration-related questions. (First/Jones)

United States Border Security: On February 10th, Michael Pearson, Executive Associate Director of the Immigration and Naturalization Service, appeared before the Senate Judiciary Committee's Subcommittee on Immigration (Abraham, Chair), to discuss terrorist threats and security issues along the United States' borders. Mr. Pearson's testimony focused on the INS' efforts along the United States' border with Canada to detect, detain, and remove aliens who have entered the United States contrary to United States Law, including aliens who are involved in terrorist activities. The testimony also emphasized the INS' efforts to coordinate its activities with other federal law enforcement agencies, such as the United States Customs Service. (First/Jones)

Money Laundering Act of 2000: On February 10th, the Crime Subcommittee (McCollum, Chair) of the House Judiciary Committee conducted a hearing on anti-money laundering legislation. James K. Robinson, Assistant Attorney General for the Criminal Division testified for the Department. This legislation, which is also included as part of the Administration's comprehensive "21st Century Law Enforcement and Public Safety Act," would provide federal prosecutors with additional tools to attack the critical infrastructure of money laundering organizations and to do so more effectively than is possible under existing law. (Graupensperger/Jones)

Money Laundering Briefing: On February 9th, staff from the Office of Legislative Affairs, the Office of the Deputy Attorney General and the Criminal Division conducted a briefing on the subject of money laundering for Congressman Bobby Scott and staff of the House Judiciary Committee's Crime Subcommittee. (Graupensperger)

National Church Arson Task Force Report: On February 10th, the National Church Arson Task Force issued its Third Report to the President. The Report highlighted statistics that indicate the number of arsons at houses of worship continues to decline. Copies of the Report and accompanying press release were provided to members of the House and Senate Judiciary Committees. (Scott-Finan)

ADA and the Internet: On February 9th, the Constitution Subcommittee (Canady, Chair) of the House Judiciary Committee held a hearing on the range of technological and constitutional issues that may arise in applying the American with Disabilities Act to certain Internet entities, such as Internet Service Providers. The Committee heard testimony from panels comprised of technical and legal experts. (Ho)

Drug Treatment in Prisons: On February 8th, staff from the Office of Legislative Affairs and the Bureau of Prisons briefed staff for Senator Hatch on BOP's drug treatment program. (Scott-Finan)

Worst Case Scenario: Staff from the Office of Legislative Affairs, the Office of the Deputy Attorney General and EPA updated the House Commerce Committee staff on the status of the assessment and site survey. The staff for the Commerce Committee are very concerned about the lack of funding for conducting this survey. (Daley)